

The regular called meeting of the Zoning Board of Adjustment was held on May 3, 2006 in the Council Chambers at City Hall, 221 East Main Street. Board members in attendance were:

Chairman Keith A. Hickman  
Vice Chairman Terry Hagood  
Board Member Carol Hearn  
Board Member John Moman  
Board Member Tim Haynie, Jr.

Staff included Nicole Crutchfield, Principal Planner, Bernadette Hayes, Senior Planner, Mark Remmert, Building Official, Charlie Crossfield, City Attorney, and Amy Swaim, Administrative Technician. With a quorum present, Chairman Hickman called the meeting to order at 5:30 p.m

**3. Approval of the December 7, 2005 meeting minutes.**

Motion by Vice Chairman Hagood , second by Board Member Moman to approve the December 7, 2005 minutes as presented.

AYE: Board Member Hearn, Board Member Haynie, Board Member Moman, Vice Chairman Hagood, Chairman Hickman. NAY: None. Motion carried unanimously.

**4.A. Consider public testimony regarding an application filed by J.D. Kent Enterprises, LLC, owner, to request a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance is to reduce the rear building setback from 20 feet to 10 feet. The subject property is described as being Lot 4, Block G of the Hillside Terrace subdivision, Williamson County, Texas, application no. 06-001-ZBA.**

Ms. Hayes stated the variance request is necessary as a result of an inadvertent error that occurred during the building permit process. The home on the subject property was permitted using setback requirements from the previous ordinance, 11.317, while the property itself was platted and approved under current requirements, 11.405.

***4.B. Consider a motion regarding the application for a variance pursuant to the Zoning Ordinance, to reduce the rear building setback from 20 feet to 10 feet. The subject property is described as being Lot 4, Block G of the Hillside Terrace subdivision, Williamson County, Texas, application no. 06-001-ZBA.***

Chairman Hickman asked at what stage the construction was in.

Mr. Remmert stated construction of the building is complete. He explained the process in which building plans are reviewed and indicated that the error was an oversight by the Building Inspections Department.

Board Member Moman asked if any other properties in that particular subdivision violated the setback requirements.

Mr. Remmert stated this particular property is the only one.

Motion by Board Member Moman, second by Vice Chairman Hagood to approve the variance request as presented.

AYE: Board Member Moman, Board Member Haynie, Board Member Hearn, Vice Chairman Hagood, Chairman Hickman. The vote was 5-0. The motion carried unanimously.

**4.C. Consider public testimony regarding an application filed by Larry Williams for a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance is to permit a temporary carport in the street yard, and to permit that structure to encroach approximately 20 feet into the 25-foot front building line. The subject property is located at 615 David Curry Drive in Williamson County, Texas, application no. 06-002-ZBA.**

Ms. Crutchfield stated the applicant constructed a carport, not realizing the action required a building permit. The purpose of the carport is to protect the applicant's disabled mother-in-law and physically challenged sister from inclement weather. She indicated if the variance is granted, Staff suggests the following conditions:

- 1.) The granting of this variance shall condition the carport to be a temporary structure. Consequently, the construction or removal of the carport will not structurally affect the existing house.
- 2.) The carport shall be removed upon the transfer of title to a new homeowner.
- 3.) The variance shall be acknowledged by the City, and the City, on behalf of the owner, will record the variance document at the Williamson County Courthouse. This will ensure the removal of the carport upon transfer of title.

Russ Boles, property owner of 708 David Curry, stated he does not believe the carport is temporary in nature. He indicated he is sympathetic with the family's needs, but the structure seems to be a little big to shelter a wheelchair, and he wonders why the garage cannot be used instead. Mr. Boles stated the houses in this neighborhood have zero lot-lines, which puts the structure almost in the neighbor's yard. He indicated he believes if one carport goes up, many more will follow on other properties. Mr. Boles stated he is not in favor of this variance.

Lee Turner, 704 David Curry, stated the carport is temporary, and the stones at the bottom can be taken out easily. Mr. Turner indicated he had a carport similar

to the subject carport, but he took it down in order to comply with code. He stated the carport does not block the view in any way. Mr. Turner also indicated that there are no zero lot-lines in this neighborhood.

Scott Holland, 702 David Curry, indicated he has no problem with the carport. He stated he would like to erect a temporary carport, because he has a vehicle that does not fit in the garage.

Ms. Crutchfield indicated for the record that she does have doctors' notes and photos on file related to how the applicant's mother transfers from her motorized wheelchair to the house.

Joe Menos, 700 David Curry, stated he thinks the carports look nice. He indicated he is in the process of buying a new car, but he does not have room in his garage for the car; therefore, he would like to erect a carport himself in order to store his car against hail damage and inclement weather.

Chairman Hickman closed the public hearing.

***4.D. Consider a motion regarding the application for a variance pursuant to Section 11.308 of the Zoning Ordinance, to permit a temporary carport in the street yard, and to permit that structure to encroach approximately 20 feet into the 25-foot front building line. The subject property is located at 615 David Curry Drive in Williamson County, Texas, application no. 06-002-ZBA.***

Board Member Moman asked if there is a substantial lift in the garage that interferes with transferring through a door.

Ms. Crutchfield stated she is not sure.

Mr. Holland stated the insides of the garages have 3" to 3 ½" step-ups into the main floor of the house.

Board Member Hearn asked why Mr. Turner removed his carport and if anyone in his home is disabled.

Mr. Turner stated no one in his household is disabled, but he is a senior citizen. He indicated he installed it in order to protect his car from tree sap.

Vice Chairman Hagood asked how the public knows the difference between a carport and a structure.

Mr. Remmert stated the public does not know the difference. He indicated the Zoning Board and the City need to look at clarifying the differences for the public. Mr. Remmert stated the Building Code defines a structure as "anything that is built". He indicated the question is if structures such as carports and storage sheds that can be moved or taken down are temporary or permanent. Mr. Remmert stated the Building Department views them as permanent structures and should be out of the building setback. He indicated it pertains to both carports and storage sheds. Mr. Remmert stated most citizens do not realize that permits are needed for such structures.

Vice Chairman Hagood stated he has seen cloth canopies used as carports. He asked how that type of structure would be defined.

Mr. Remmert indicated it would depend on how it is attached, what it is attached to, and how it is anchored, among other things. He indicated if a cloth carport were located in the building setback, both Code Enforcement and Building Inspections would question that.

Board Member Hearn stated past requests for carports have been approved for medical reasons and required notes or prescriptions from doctors, and they had

the stipulation that they would be removed upon transfer of title. Therefore, they were considered temporary in nature.

Chairman Hickman asked if there were any deed restrictions in this neighborhood that addressed carports.

Mr. Remmert stated the City does not enforce deed restrictions.

Mr. Crossfield indicated the Legal Department agrees with Mr. Remmert's assessment of the structure as permanent. He stated the applicant should understand that if this variance is granted, it is due the medical conditions of persons living in the house and with the stipulation that the carport will go away upon transfer of title. Mr. Crossfield indicated he does not want anyone in the audience to think a carport is a temporary use. He explained the structure itself is permanent, but the use in this case is considered temporary.

Board Member Hearn stated she believes it is time to explore an ordinance addressing the issue they are dealing with (medical reasons).

Mr. Crossfield indicated they have considered such an ordinance; however, they believe each case needs individual attention, which might be hard to do if an ordinance were in place.

Ms. Crutchfield stated this process also gives surrounding property owners the right to speak for or against each request.

Chairman Hickman asked who governs the width of the carport.

Mr. Crossfield stated the Board governs.

Motion by Vice Chairman Hagood, second by Board Member Moman to approve the variance request, subject to the following conditions of Staff:

- 1.) The granting of this variance shall condition the carport to be a temporary structure. Consequently, the construction or removal of the carport will not structurally affect the existing house.
- 2.) The carport shall be removed upon the transfer of title to a new homeowner.
- 3.) The variance shall be acknowledged by the City, and the City, on behalf of the owner, will record the variance document at the Williamson County Courthouse. This will ensure the removal of the carport upon transfer of title.

Vote: AYE: Vice Chairman Hagood, Board Member Moman, Board Member Haynie, Chairman Hickman. NAY: Board Member Hearn. The vote was 4-1. The motion carried.

**5. NEW BUSINESS:**

NONE

**6. PLANNER REPORT AND BOARD MEMBER COMMENTS**

Chairman Hickman stated there is new training regarding open meetings that each Board member needs to obtain. He indicated this could be done individually or as a group.

Mr. Crossfield stated the Board has approximately 6 months to complete the training.

**7. ADJOURNMENT**

There being no further business, Chairman Hickman adjourned the meeting at 6:01 p.m.

Respectfully Submitted,

Amy L. Swaim

Administrative Technician